

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SAMUEL K. ROBINSON, )  
Plaintiff, ) Case No.: 2:18-cv-02142-GMN-BNW  
vs. )  
CREDIT ONE BANK, )  
Defendant. )  
\_\_\_\_\_  
)

## ORDER

Pending before the Court is the Order and Report and Recommendation (“Order and R. & R.”) of United States Magistrate Judge Brenda Weksler, (ECF No. 7), which denies Plaintiff’s Motion/Application to proceed *in forma pauperis*, (ECF No. 4), and, in light of the Order, recommends that the Court dismiss Plaintiff’s case without prejudice and deny his Motion for Leave to File his Amended Complaint, (ECF No. 5), as moot. Plaintiff filed an objection to the R. & R., which challenges the Court’s dismissal of his *in forma pauperis* application. (ECF No. 8).

On November 5, 2018, Plaintiff filed his first Motion/Application to Proceed *in forma pauperis*. (ECF No. 1). The Court denied Plaintiff's Motion/Application because Plaintiff failed to properly complete the application. (Order 3:3–3:11, ECF No. 3). The Court instructed Plaintiff to properly fill out a long form *in forma pauperis* application, or, in the alternative, pay the required \$400 filing fee by December 10, 2018. (*Id.* at 3:12–3:16). Plaintiff filed a second Motion/Application to proceed *in forma pauperis* on December 7, 2018. (ECF No. 4). The Court denied the Motion/Application because, as in his earlier Motion/Application, Plaintiff failed to properly complete the form. (Order and R. & R. 6:12–7:4, ECF No. 7).

Under Local Rule LSR 1-1, “[a]ny person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma pauperis*.<sup>1</sup>” D. Nev. LSR 1-1. The

1 application requires the applicant to “include a financial affidavit disclosing the applicant’s  
2 income, assets, expenses, and liabilities.” *Id.* It is within the court’s discretion to deny an  
3 application to proceed *in forma pauperis* if the applicant is unable or unwilling to verify his  
4 poverty. *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). If the plaintiff’s  
5 application is denied, he must pay the requisite filing fee to proceed with his civil action in  
6 federal court. See 28 U.S.C. § 1914.

7 The Court has denied Plaintiff's Motions/Applications to Proceed *in forma pauperis*,  
8 and Plaintiff has not paid the requisite filing fee. As a result, Plaintiff does not have standing to  
9 object to Judge Weksler's R. & R. Even if Plaintiff did have standing, the Court finds no error  
10 in Judge Weksler's analysis supporting the dismissal of Plaintiff's Motion/Application.  
11 Therefore, the Court **ADOPTS** Judge Weksler's R. & R. Given that the Court is dismissing  
12 Plaintiff's case without prejudice, Plaintiff is not foreclosed from filing his claims upon  
13 properly complying with the Court's requirements of either paying the \$400 filing fee or  
14 properly completing an Application to proceed *in forma pauperis*.

15 | Accordingly,

16           **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 7), is  
17           **ADOPTED in full.**

18           **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to File his Amended  
19 Complaint, (ECF No. 5), is **DENIED**.

20 || The Clerk of Court shall close the case.

22 || DATED this 24 day of September, 2019.

Gloria M. Navarro, District Judge  
United States District Court